

PAPUA.



No. VIII. of 1917.

AN ORDINANCE

To Amend the "*Real Property Ordinance, 1913-1914.*"

J. H. P. MURRAY.

[L.S.]

23rd August, 1917.

BE it enacted by the Lieutenant-Governor of the Territory of Papua, with the advice and consent of the Legislative Council thereof, as follows:—

1. (1) This Ordinance may be cited as the *Real Property Ordinance, 1917.* Short Title and Citation.

(2) The *Real Property Ordinance, 1913-1914* is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Real Property Ordinance, 1913-1917.*

Amendment of
Principal
Ordinance.

2. The Principal Ordinance is amended by inserting after section forty the following new section—

True
consideration
to be stated in
transfer Cf Vic
1149 (1900) S. 52.

“40A.—(1) The consideration for a transfer shall be truly set forth therein and where such consideration shall not consist of money the words describing the consideration in the forms of transfer contained in the Second and Third Schedules to this Ordinance shall not be used but the true consideration shall be concisely stated.

Penalty.

(2) Any person who executes a transfer of land under the provisions of this Ordinance or of land contained in any Crown Lease deemed subject to the provisions of and to be registered under this Ordinance which has not the true consideration set forth therein shall on conviction thereof be liable to a penalty not exceeding Fifty Pounds.”

3. Section one hundred and nineteen of the Principal Ordinance is repealed and the following section is substituted therefor—

Provision in
case of lost
grant. Cf Q., 25
Vic No. 14, S.
117.

“119. (1) In the event of the grant or certificate of title of land under the provisions of this Ordinance or a Crown Lease being lost, mislaid or destroyed, the proprietor of such land, or of the land comprised in such Crown Lease together with any other persons having knowledge of the circumstances, may make a declaration before the Registrar or before any of the persons hereinbefore appointed as persons before whom the execution of instruments may be proved, stating the facts of the case, the names and description of the registered owners, and the particulars of all mortgages, encumbrances, or other matters affecting such land and the title thereto to the best of the declarant's knowledge and belief.

(2) The Registrar, if satisfied as to the truth of such declaration and the bona fides of the transaction, may issue to such proprietor a provisional certificate of title, or an official copy of such Crown Lease as the case may require, which provisional certificate or official copy of Crown Lease shall contain an exact copy of the original grant or

certificate of title bound up in the register book or of the Crown Lease bound up in the Register of Crown Leases and of every memorandum and endorsement thereon at the time appearing, and shall also contain a statement of the circumstances under which such provisional certificate or official copy of Crown Lease is issued.

(3) The Registrar shall at the same time enter in the register book or register of Crown Leases as the case may require notice of the issuing of such provisional certificate or official copy of Crown Lease and the date thereof, and the circumstances under which it was issued; and such provisional certificate or official copy of Crown Lease shall be available for all purposes and uses for which the grant or certificate of title or Crown Lease so lost, mislaid or destroyed would have been available, and as valid to all intents and purposes as such grant, certificate or Crown Lease.

(4) The Registrar, before issuing such provisional certificate or official copy of Crown Lease, shall, by advertisement in the *Gazette* and in at least one newspaper published in the Territory, give not less than thirty clear days notice of his intention so to do."

4. Section one hundred and fifty six of the Principal Ordinance is amended by omitting therefrom the word "hereinafter" and substituting therefor the word "hereinbefore"

Amendment of s. 156 of Principal Ordinance.

Passed in Council this twenty-third day of August, in the year of Our Lord, one thousand nine hundred and seventeen.